

Revenue

(1942) Department

SERIES

G.O. No. 420

Dated 16th February 1942

[Despatch Abstract.]

Kudimaramath - Bellary - Harpanahalli Taluk - Nilagunda village and tank - Public Works Department - Supply channel - Expenditure, Recovery from ayacutdars - Waived.

Revenue Department.

Current No.

Received.....1942.

Registered.....1942.

Subject.

Kudimaramath -(Bellary)- Harpanahalli Taluk - Nilagunda village
and tank - P.W.D - Supply channel Expenditure - Waiver -
Proposals - Submitted.

Ref.G-5164/41-1

1 FEB 1942 M a d r a s

30th January 1942.

From
F.W.A.Morris Esquire, I.C.S.,
Joint Secretary, Board of Revenue.

G.W.Priestley Esquire, I.C.S., Commissioner of Land
Revenue & Irrigation.

R e a d:

Letter from I.M.Fraser Esquire, I.C.S., Collector of Bellary
Refc.3319/41-A2 dated 19-12-41.

Reference:

Submitted to the Government.

2. In the circumstances reported, the Board recommends
that the Government may be pleased to sanction as an act of grace
the Collector's proposal to waive the recovery of Rs.642-6-0
being the cost of kudimaramath repairs executed in 1939-40 to
the supply channel to the Nilagunda tank in the Nilagunda
village, Harpanahalli Taluk and ordered to be recovered from the
ayacutdars of the taluk.

N. Aravamudan
31/1/42
for Joint Secretary

To The Secretary to Government, Revenue Department, with en-
closures as per list.

S.G/31-1

Copy of letter from I.M.Fraser Esquire, I.C.S., Collector of
Bellary, Refc.No.3319/41-A2 dated 19-12-1941.

Sub: Kudimaramath -(Bellary)- Harpanahalli Taluk - Nilagunda
village and tank - (Public Works Department) - Supply
channel - Expenditure Rs.642-6-0 - Waiver - Requested.

Read also: From the Tahsildar, Harpanahalli, Refc.No.455/41
dated 19-8-1941.
Sub Collector, Hospet, L.Dis.3893/41 dated 10-9-1941

In 1938, the Sub Divisional Officer, Public Works Department
Hospett, inspected the supply channel feeding the Public Works

Works Department Nilagunda tank in Nilagunda village of Harpanahalli taluk and asked the Tahsildar, Harpanahalli, in his letter No.576-M dated 5-11-'38 to have the jungle growth cleared by Kudimaramath. Accordingly the Tahsildar, Harpanahalli, issued notices to the ayacutdars under section 6 of the Kudimaramath Act I of 1858. The ayacutdars failed to execute the work.

2. The Tahsildar, Harpanahalli made enquiries and reported that the channel had not been repaired at any time by the ayacutdars and that the jungle growth in the channel had not been cleared either by the ryots or the Government for many years and that the ryots pleaded inability to do the work or to pay cost of it but that they promised to maintain the channel in future. He recommended that the repairs be done at Government cost.

3. However in his L.Dis.443/39 dated 5-7-39 the Collector ordered that the work should be carried out as a Kudimaramath - work providing the necessary funds from the Public Works Department grant and the amount expended on the work should be recovered from the ayacutdars. These papers have since been destroyed as time expired and it is not known why the Collector treated the work as ^a/Kudimaramath one in spite of the Tahsildar's report explaining the circumstances of the case and recommending that the work be done at Government expense. The Executive Engineer had the work executed in 1939-40 at a total cost of Rs.716-6-0. After deducting the sale proceeds of the tree growth in the supply -- channel, it was ordered in this office L.Dis.2774/41 dated 9-6-41 that the sum of Rs.642-6-0 should be recovered from the ayacutdars.

4. When the collection of the amount from the ayacutdars was enforced they put in petitions for the waiver of the amount. They have stated that it was not the custom in the village to repair the supply channel and considering the unfavourable seasonal conditions and poverty of the ryots they pray that the amount may be waived.

5. On a reference made from this office, the present Tahsildar of Harpanahalli reports that there is no precedent to show - that the jungle clearance in the supply channel was done by the ryots as customary labour at any time and that the recovery of the cost of repairs to the channel from the ayacutdars would hit them

them hard. The Sub Collector, Hospet, recommends the cancellation of the Collector's orders L.Ds. 443/39 dated 5-7-39 especially in view of the fact that two Tahsildars have reported that the work of repairs done to the channel was not customary.

6. The reports of both the Tahsildars which are enclosed indicate that the ayacutdars did not attend to the clearance of jungle growth in the supply channel at any time as a customary labour. Obviously this is due to long continued neglect and the Revenue Officers have omitted to enforce the execution of repairs by customary labour with the result that the repairs essential for the irrigation work have involved considerable expenditure. This is a clear case where help should be given to the ayacutdars under B.S.O. 86-5(3) as it is obvious that no demand was made on the ryots in past years. I therefore recommend that the sum of Rs. 642-6-0 ordered to be recovered from the ryots may be waived. I enclose the connected records for the reference of the Board and return.

Copy of notes of inspection of the Tahsildar of Harpanahalli by Sri S. Sankaran dated 12-3-39.

Inspected the entire course of the supply channel on 12-3-39. The channel is overgrowth with shrub growths mostly of Kanuga, Bindu, Lakki, Muthukada unfit for timber. It was not repaired at any time by the ryots or Government. The ryots plead inability to do the work or to pay the amount covered by the estimate. They promise to maintain it if the channel is repaired now at Government cost. The ryots are too poor to meet the cost of the estimate. Recommend that the repairs may be executed at Government cost.

/Sd/ S. Sankaran,
Tahsildar, 12-3-39.

Copy of Harpanahalli Tahsildar's Ref. C. 455/41 dated 19th August 1941.

Sub: Irrigation-Minor-Harpanahalli Taluk-Neelagunda Village and tank-Supply channel-Jungle clearance-charges-collection objection petition of ayacutdars-report submitted.
Collector's N. Ref. C. No. 3319/41 dated 12-7-41, and

A sketch showing the course of the supply channel feeding Neelagunda tank is enclosed. This supply channel runs through the patta lands of Machihalli village. The question of jungle clearance in this supply channel was started by the P.W.D. authorities in the year 1938. A notice was issued to the ayacutdars on 12-11-38 to clear the jungle growth in the supply channel. In reply to the notice the ayacutdars pleaded their inability to attend to the work to pay the cost of it. The then Tahsildar Sri S. Sankaran after inspection, reported that the ryots of the village are unable to pay the cost of the jungle clearance and that the work may be executed at the cost of the Government. His local enquiry showed that the supply channel, was never repaired either by the Government or by the ryots ever since it was formed. There is no precedent in this taluk to show that jungle clearance in the supply channels was done by the ryots as customary labour. This is perhaps due to long continued neglect and omission to enforce customary labour.

2. The peculiarity in this case is that the channel runs - mostly in patta lands of the neighbouring village to which the ryots of Neelagunda cannot have access to render customary labour even supposing they are expected to do this work. Since the course of the supply channel in patta lands is plan marked, it is for those patta-dars to keep the channel course free from growth and silt.

The relinquishment of so much of the portion covered by the channel in these patta fields if the pattadars are willing or its acquisition if they are not willing has been suggested by the P.W.D. The Sub Collector also has during the jamabandi of fasli 1350, ordered to take steps accordingly. A copy of the J.O. is enclosed.

3. In these circumstances the recovery of the cost of jungle clearance from the ayacutdars appears to be a hard hit on them. This is a fit case to extend the concessions contemplated in Board's Ref. C.Confdl.No.375/40 dated 24-6-40 communicated in your C.No.5517/40 dated 2-7-40. The ayacutdars have given their consent to render kudimaramat labour if it is got done at the cost of the Government in the first instance. Their statement recorded by the then Tahsildar dated 12-3-39 is enclosed.

The objection petitions of the ayacutdars received in your

your N.Ref.3898/41 dated 25-7-41 and N.Ref.C.3120/41 dated 4-8-41 are enclosed.

Machihalli Q 30 - B.P.30,38,486,487,488,489,490 and 379.

These are patta lands through which a channel passes. This is plan marked and a supply channel to Neelagunda tank. The pattadars have diverted the free flow of water by encroachments by means of cultivation. The Tahsildar has no doubt levied penalty. But these are fit cases for eviction. If necessary the pattadars may be enquired into and the portion occupied by the channel may be subdivided and transferred to channel poramboke, if they relinquish it.

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A.S. 16/2
13/16 ✓
List of enclosures to Board's Ref. G-5164/41-1 dated 30-1-42..

- (B)
(W)
(R)
1. Collector's L.Dis. 1975/41 dated 18-4-41.
 2. 2774/41 dated 9-6-1941
 3. Harpanahal 111 Tansildar's L.Dis. 2314/38 dated 14-3-41.

Subject vide Slip attached Rev Dept
Read the following:—

From the Board of Rev., Ref no
G. 5164/41-1 d. 30.1.42.

Order no. 420 d. 16/2/42
Mr.

In the Circumstances reported
The Govt. direct that the recovery from

to Ayacutdars of the Nilagunda Tank in the
Nilagunda village, Warpanahalli In
Bellary Dist. of the Sum of Rs 642-6-0

(Rupees Six hundred and forty-two and
Annas Six only) being the Cost of
Kudimaramath ^{improvements} ~~repairs~~ executed in
1938-1940 to the Supply Channel to
the Sand Tank ^{which was overcast} ~~and 2 acres of the area~~
~~done by them in accordance with the~~
~~and order passed by the (Cheer) of Bellary to be~~
~~from them should be waived.~~
2. The Board ^{Cheer of Bellary} ~~of the~~ is requested to

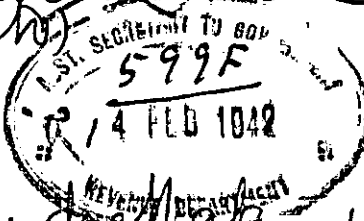
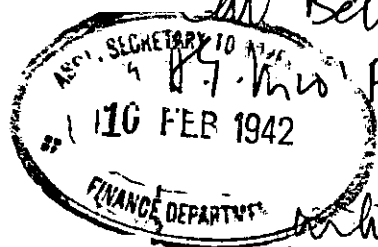
have a written agreement obtained
 from the ryots concerned binding themselves
 to maintain the channel by Kudimaramatti
 in future with reference to the instructions
 Condition (c) in para 1 of Govt 12521

Dep. Secy to Govt

2/3-2-44

8/9/2

To the Board of the Public Works (C) (K)
 M. Bellary (C) (K)



The draft is submitted in accordance
 with the Board's recommendation. It is sent to Fin.
 for acceptance.

5863
 Rev. Co. No. 427/42